

Judge Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK DAVID JOHNSON,

Defendant.

NO. CR05-5194RBL

**ORDER**

THIS MATTER comes on before the above entitled Court upon Defendant Patrick Johnson's Motion to Reconsider Motion to Suppress and to Order Hearing Pursuant to Franks v. Delaware [Dkt. #28].

Having considered the entirety of the records and file herein, it is hereby **ORDERED** that the original Order [Dkt. #27] be modified and amended as follows. In the first full sentence on page four (4), the word "purchased" should be stricken and replaced with the word "seen," and the words "offered for sale" should be inserted after the words "illegal drugs." The corrected sentence will thus read: "Here the affiant received reports from a CI of proven reliability that the CI had seen illegal drugs offered for sale within the past seventy-two hours at the house for which the warrant was issued." In the first full sentence on page five (5), the words "from whom the CI purchased" should be stricken and replaced with the words "the CI had seen offering to sell." The corrected sentence will thus read: "In the instant case, the defendant argues

1 that disclosure of the CI is necessary in order to 'know what description the informant  
2 actually . . . gave . . . Officer Chaney,' of the individual the CI saw offering to sell illegal  
3 drugs." It is further

4 **ORDERED** that in all other respects, the Defendant's Motion to Reconsider  
5 should be and is **DENIED**.

6 DATED this 9<sup>th</sup> day of August, 2005.

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10 RONALD B. LEIGHTON  
11 UNITED STATES DISTRICT JUDGE  
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